UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
PATEL, NIRAV B

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _23 October 2008 (RCE)_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-7,12-18 and 38-41_ is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-7,12-18 and 38-41_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____ .
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

1. Applicant's submission for RCE filed on Oct. 23, 2008 has been entered. Claims 1-7, 12-18, 38-41 are pending. Claims 1, 5, 13, 15-18, 41 are amended by the applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-7, 12, 15-18, 38, 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girard (US Patent No. 7,093,124) and in view of Dayan et al. (US Pub. No. 2002/0188837) and in view of Rothman et al (US Pub. No. 2004/0267926).

As per claim 1, Girard teaches:

selecting the bootable image comprising software to determine the trustworthiness of a software application on a maintenance server prior to executing the software application, for the remote client [Fig. 1, col. 7 lines 3-19, Fig. 4, col. 7 lines 35-48, Fig. 5, 6]; generating a wake-on-LAN packet and transmitting the wake-on-LAN packet to the remote client to wake up the remote client and to instruct a pre-boot application of the remote client to boot via the bootable image [Fig. 6, col. 8 lines 10-43].

Girard teaches the wake-on-LAN packet which includes pluralities of parameters to wake up and/or boot the remote client.

Dayan teaches generating a wake-on-LAN packet with an identification/address information [Fig. 4, paragraph 0008, 0010, 0034, 0035]; and transmitting the wake-on-LAN packet to the remote client to wake up the remote client and to instruct a pre-boot application of the remote client to boot via the bootable image [Fig. 4, paragraph 0008, 0010, 0034, 0035].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Dayan with Girard to include directive information into the wake-on-LAN packet (magic packet), since one would have been motivated to boot to a designated partition in a nonvolatile storage unit without requiring a local operator [Dayan, paragraph 0007]. Further, Rothman teaches a packet with a partition identification, the partition identification comprising an address of a location of the bootable image, to identify the location within a local resource of the remote client [paragraph 0037, 0033, Fig. 1, 4].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Rothman with Girard and Dayan to access the content of the remote computer for performing the requested tasks to control the remote system without depend on the vendor of the remote computer [Rothman, paragraph 0004 lines 13-16, 0012].

As per claim 2, the rejection of claim 1 is incorporated and Dayan teaches:

selecting the bootable image from a drive, the drive being internal to the remote client [Fig. 4, paragraph 0034, 0035].

 As per claim 3, the rejection of claim 1 is incorporated and Dayan teaches:

selecting the bootable image from a secure resource of the remote client [Fig. 4, paragraph 0034, 0035].

As per claim 4, the rejection of claim 1 is incorporated and Dayan teaches:

resource comprises selecting the bootable image from a hidden partition associated with the remote client [Fig. 4, paragraph 0034, 0035].

As per claim 5, the rejection of claim 1 is incorporated and Dayan teaches: the information to be associated with the bootable image by the remote client [Fig. 4, paragraph 0034, 0035]. Rothman teaches: selecting logical address for the bootable image (content of the memory), the logical address to be associated with the bootable image (content of the memory) by the remote client [Fig. 1, 4, paragraph 0037, 0035].

As per claim 6, the rejection of claim 1 is incorporated and Dayan teaches:

extending the wake-on-LAN packet with the partition identification [paragraph 0008, 0010].

As per claim 7, the rejection of claim 1 is incorporated and Dayan teaches:

generating a parameter to associate with the partition identification to provide a post- boot instruction to the remote client [Fig. 4, paragraph 0008, 0010, 0034, 0035].

As per claim 12, the rejection of claim 1 is incorporated and Girard teaches:

transmitting comprises broadcasting the wake-on-LAN packet to the remote client and at least

one other remote client [Fig. 1].

As per claim15, it encompasses limitations that are similar to those of claim 1. Thus, it is

rejected with the same rationale applied against claim 1 above.

As per claim16, the rejection of claim 15 is incorporated and it encompasses limitations that are

similar to those of claim 3. Thus, it is rejected with the same rationale applied against claim 3

above.

As per claim17, the rejection of claim 15 is incorporated and it encompasses limitations that are

similar to those of claim 6. Thus, it is rejected with the same rationale applied against claim 6

above.

As per claim18, the rejection of claim 15 is incorporated and Girard teaches:

broadcasting the wake-on-LAN packet to the remote client and at least one other remote client

[Fig. 1].

As per claim 38, the rejection of claim 1 is incorporated and Girard teaches:

downloading the software application from the maintenance server to the remote client subject

to a determination of the trustworthiness of the maintenance server by the remote client [Fig. 1,

col. 7 lines 3-19, Fig. 4, col. 7 lines 35-48, Fig. 5, 6].

As per claim 39, the rejection of claim 1 is incorporated and Girard teaches:

passing a parameter to the bootable image to initiate the software application on the maintenance server subject to a determination of the trustworthiness of the maintenance server by the remote client [Fig. 1, col. 7 lines 3-19, Fig. 4, col. 7 lines 35-48, Fig. 5, 6].

As per claim 41, the rejection of claim 15 is incorporated and it encompasses limitations that are similar to those of claim 38. Thus, it is rejected with the same rationale applied against claim 38 above.

3. Claims 13, 14 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girard (US Patent No. 7,093,124) in view of Dayan et al. (US Pub. No. 2002/0188837) in view of Rothman et al (US Pub. No. 2004/0267926) and in view of Kim (US Pub. No. 2004/0163008).

As per claim 13, Girard teaches:

a server computer system in communication with at least one client computer system, the server computer system comprises a processor capable to selecting the bootable image comprising software to determine the trustworthiness of a software application on a maintenance server prior to executing the software application, for the remote client [Fig. 1, col. 7 lines 3-19, Fig. 4, col. 7 lines 35-48, Fig. 5, 6]; wherein the server computer system is capable of generating a wake-on-LAN packet and wherein the server computer system is capable of transmitting the

wake-on-LAN packet to the remote client to wake up the remote client and to instruct a pre-boot application of the remote client to boot via the bootable image [Fig. 6, col. 8 lines 10-43].

Girard teaches the wake-on-LAN packet which includes pluralities of parameters to wake up and/or boot the remote client.

Dayan teaches generating a wake-on-LAN packet with an identification/address information [Fig. 4, paragraph 0008, 0010, 0034, 0035]; and transmitting the wake-on-LAN packet to the remote client to wake up the remote client and to instruct a pre-boot application of the remote client to boot via the bootable image [Fig. 4, paragraph 0008, 0010, 0034, 0035].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Dayan with Girard to include directive information into the wake-on-LAN packet (magic packet), since one would have been motivated to boot to a designated partition in a nonvolatile storage unit without requiring a local operator [Dayan, paragraph 0007].

Further, Rothman teaches a packet with a partition identification, the partition identification comprising an address of a location of the bootable image, to identify the location within a local resource of the remote client [paragraph 0037, 0033, Fig. 1, 4].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Rothman with Girard and Dayan to access the content of the remote computer for performing the requested tasks to control the remote system without depend on the vendor of the remote computer [Rothman, paragraph 0004 lines 13-16, 0012].

Further, in an analogous art, Kim teaches: a database, the database comprising an indication of one or more clients and the status of their wake-on-LAN functionality [Fig. 2, 6, paragraph 0043].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Kim with Girard, Dayan and Rothman, since one would have been motivated to mange end user application software and services available on computer network from a central location and reduce the overall cost of the computers on the network [Kim, paragraph 0010, 0012].

As per claim14, the rejection of claim 13 is incorporated and Girard teaches:

an Ethernet network coupled to the server computer system and the at least one client computer system [Fig. 1].

As per claim 40, the rejection of claim 13 is incorporated and Girard teaches:

wherein the server computer system is capable of downloading the software application by the maintenance server to the remote client subject to a determination of the trustworthiness of the maintenance server by the remote client [Fig. 1, col. 7 lines 3-19, Fig. 4, col. 7 lines 35-48, Fig. 5, 6].

Response to Amendment

4. Applicant has amended claims 1, 13 and 15, which necessitated new ground of rejection. See new ground of rejection above.

Claims 15-18, 41 have been modified to correct the 35 U.S.C. 101 issue. The newly amended claims overcome such deficiency. Therefore, the 35 U.S.C. 101 rejection is withdrawn.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cheston et al (US 6,405,259) – Data Processing system and method for transmission of a network packet specifying a group identifier identifying a selected plurality of clients

von Below (US 6631468) – Bootable packet written re-writable optical disc and method from making same

Panas et al (US 6473857) – Centralized Boot

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIRAV PATEL whose telephone number is (571)272-5936. The examiner can normally be reached on 8 am - 4:30 pm (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. P./
Examiner, Art Unit 2435

/Kimyen Vu/

Supervisory Patent Examiner, Art Unit 2435